

# **RELEASE DR. BINAYAK SEN !**



**Health, Human Rights &  
Development Activist**

**Prisoner of Conscience  
in Chhattisgarh, 2007-08**

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**RELEASE**

**DR. BINAYAK SEN !**

**Medico Friend Circle**

**February 2008**

# RELEASE DR. BINAYAK SEN !

Dr. Binayak Sen – paediatrician, public health professional and civil liberties activist – was arrested by the Chhattisgarh police on 14th May 2007 at Bilaspur, Chhattisgarh. Asked by the Superintendent of Police to appear for recording a statement, he was placed under arrest when he reached the police station. He is currently being held in Raipur Central Jail under two draconian state and national laws – the Chhattisgarh Special Public Security Act 2005 (CSPSA) and the Unlawful Activities (Prevention) Act (UAPA) 2004. Since his arrest there have been protests in various parts of the country, and a broad range of organisations and persons in India and abroad have expressed concern regarding Dr. Sen's imprisonment. Given his outstanding role as a public health professional and development activist in Chhattisgarh, his arrest by the State government may have come as a surprise to many. However, it seems that his related role as a human rights activist and Vice-president of PUCL, and his relentless exposure of human rights violations in the state, could not be tolerated by the State government, and hence the decision to imprison him. This booklet attempts to address some of the questions raised by the arrest of Dr. Binayak Sen, and suggests what health professionals and socially concerned persons could do to press for the release of this prisoner of conscience in our times.

**Who is Dr. Binayak Sen? What are the allegations against him which have resulted in such harsh and unjust treatment from the Government?**

## **Doctor and Public Health Activist**

Binayak joined CMC as an undergraduate in 1966 and took his MD in paediatrics. His thesis on 'Marasmus and Malnutrition in Children' initiated a deep involvement in issues related to hunger, malnutrition, poverty, mortality and morbidity.

Between 1976 and 1978 he taught at the Centre of Social

Medicine and Community Health, Jawaharlal Nehru University, New Delhi. Then, leaving academics, he joined a rural community health project at the FRIENDS RURAL CENTRE in Hoshangabad, Madhya Pradesh, where he focused on the problem of tuberculosis. In the early 1980s he and his wife Ilina moved to southern Chhattisgarh to work with the iron ore mine workers and their organisation based in Dalli-Rajhara. They have now been living in Chhattisgarh for more than a quarter century working in the areas of health, human rights and sustainable development. Dr. Sen has particularly focused on the provision of health care to the poorest and neediest sections in Chhattisgarh.

In 2004 Binayak Sen was awarded the Paul Harrison Award from the Christian Medical College, Vellore. It recognises ex-students of CMC for their outstanding contribution to society. The citation describes him thus:

*“Dr. Binayak Sen has been true to the spirit and vision of his alma mater and has carried his dedication to truth and service to the very frontline of battle. He has broken the mould and redefined the possible role of the doctor in a broken and unjust society, holding the cause more precious than personal safety. CMC is proud to be associated with Binayak Sen and his wife Ilina. A role model for the students and staff of CMC, he is someone who stands out for his literal pursuit of the founding values of CMC.”*

### **Dr. Sen has made significant contributions in the public health field in Chhattisgarh.**

In 1981, Dr. Sen joined well-known trade union leader Shankar Guha Niyogi at Dalli-Rajhara. There he started working among the iron ore mine workers and their trade union, the Chhattisgarh Mines Shramik Sangh (CMSS) and their wider rural mass organisation, the Chhattisgarh Mukti Morcha (CMM). He worked with the CMSS to set up the Shaheed Hospital at Dalli, established in 1982. This pioneering effort by workers to build and run their own hospital and health programme for the benefit of common people has become a model for provision of effective, low-cost, general and specialised medical and surgical care for the poor. Dr. Sen was also a strong supporter and advisor in other constructive programmes of the CMM.

From 1988 to 1992, Dr. Sen was based at the Mission Hospital, Tilda, although his association with CMSS and CMM continued. Following Niyogi's assassination in Bhilai in 1991 and a police firing on a month-long peaceful workers' dharna there on 1<sup>st</sup> July 1992, a Bhilai Firing Relief Committee was set up. Dr. Sen managed this Committee, running clinics among the urban industrial workers and their communities in Bhilai and Birgaon for more than a decade.

In 1994, Ilina and Binayak Sen together set up a voluntary organisation in Raipur named RUPANTAR. One aim was to extend medical and health work into the neediest communities. To start a community health programme, Binayak chose Bagrumnala, a remote tribal village in Dhamtari District inhabited by people displaced by a dam on the Mahanadi river. The programme links health work with the people's living conditions and includes provision of low-cost effective health care services. Apart from running a weekly clinic, Binayak selected and trained health workers from among the local people. After initial on-site training, the health workers' skills have been enhanced by exposure at Shaheed Hospital and at Jan Swasthya Sahayog, a voluntary community health programme based at Ganiyari, Bilaspur. The health workers are now able to manage the clinic at Bagrumnala, treating old patients and referring those who need specialised care. *This clinic is widely recognised as a reliable and precious resource by people of this area, which remains largely untouched by the public health system.*

Over time the clinic's reputation has grown among both, the people and the health authorities, as a centre for low-cost effective treatment of malaria and tuberculosis. *In 2001 the health workers identified 1000 cases of falciparum malaria and referred them for treatment, averting a large number of fatalities.* In Dhamtari block the clinic is known as "TB ka dawakhana" and Binayak as "TB ke daktar". According to the health workers, the local prevalence of TB and malaria has significantly reduced. Despite a designated DOTS centre in the government PHC, the local people opt for treatment by the Rupantar team at Bagrumnala. During our visit as members of Medico Friend Circle in June 2007, people told us of how Binayak had himself carried unconscious persons to his vehicle for transporting them to a hospital, and also how he had borne the treatment costs of poor patients.

Dr. Binayak Sen is an esteemed member of the board of Jan Swasthya Sahyog (JSS), Bilaspur, an effort aimed at finding solutions to the vast unaddressed problems of rural health. Set up in 1996, JSS is run by a group of young doctors from AIIMS, Delhi, with a team of seventy full-time personnel. Theirs is a replicable model of low-cost, rational and comprehensive medical and surgical care, provided through a hospital, community health centre, and rural outreach programme based in Ganiyari village of Bilaspur District. It serves a largely tribal population confronted by extreme poverty and hunger, aggravated by lop-sided development.

Over the last few years, Dr. Sen has been engaged in monitoring the health and nutritional status in Chhattisgarh . He

was associated with the State Health Resource Centre at Raipur. He was also a member of the Advisory Committee set up by the Chhattisgarh Government to pilot the Mitanin Programme, a community-based health worker programme and fore-runner of the ASHA programme of the National Rural Health Mission. He also helped to draw up the list of essential drugs and guidelines for standard treatment for the State Health Department as part of efforts to promote rational use of drugs.

For over 30 years Binayak Sen has been a consistent and active member of the Medico Friend Circle (MFC). MFC is an all-India group of socially conscious medical, public health and social science professionals and researchers, as well as community health and women's health rights activists, united by common concerns about health status and health services in the country. Through regular annual meetings and a bi-monthly bulletin, MFC members debate and discuss critical health issues that arise locally, regionally and nationally and work towards evolving solutions suited to the needs of India's people. Like many others in MFC, Binayak is associated with the Jan Swasthya Abhiyan, the Indian chapter of the worldwide People's Health Movement, a coalition working for people's right to health and access to healthcare.

### **Human Rights and Development Activist**

*As the Harrison award citation states, Binayak has redefined the possible role of a doctor in our "unjust, broken society". Over the past three decades he has always extended his sphere of work into what public health professionals, researchers, and health workers now refer to as the "social determinants of health" – what we see in the larger social context as "human rights". Moving beyond medical service, Binayak has demonstrated how medicine and public health can contribute to the broader struggles for basic rights to food, health and education as well as for democratic rights.*

Reflecting on his ability to reach out, people at Bagrumnala told us, "Doctor Binayak has done much more than just curative work in this place. He has done manual labour with us during construction of a pond." During a drought in 2001, initially he helped organise emergency grain distribution, then he enabled the people to set up a grain and seed bank called "Chaarjhaniya". He connected this to a biodiversity conservation programme combining the objectives of protecting traditional seeds and ensuring community food sovereignty, both threatened with extinction by unregulated growth of agro-industry. Adopting the model, the State Government subsequently set up grain banks in 17 villages, and

seed banks in 25 villages. Under Binayak's encouragement, villagers have contributed from their wages to a local "Nirmaan Samiti".

Binayak has engaged widely in debates on sustainable development, including in the Socialist Front and in the National Alliance of Peoples' Movements (NAPM). In 2001, he took an active interest in organising the *Desh Bachao – Desh Banao Yatra* when it passed through Chhattisgarh, and the *Rozgar Guarantee Yatra* in 2004.

Over the last 15 years Binayak has worked for legal entitlements of adivasis in the forests near Bagrumnala. When he found the entire male population of village Piprahi Bharri, inhabited by the primitive Kamaar tribe, jailed for 'encroaching' on forest land, he arranged for their legal defense. On behalf of the people of Kekrakholi, Futhamurha and other villages where land entitlements were contested, he negotiated with officials.

Similarly, in Dugli village loans were sanctioned on paper to many villagers by the lead bank and the money was shown as given to them. It was part of a major fraud and no loans were actually received by the villagers named as beneficiaries. When they got recovery notices from the bank and were harassed by bank officials, the villagers approached Binayak. Following his request to the Reserve Bank at Nagpur to inquire into the matter, an inquiry team was sent and the matter was resolved in the villagers' favour.

Binayak's civil rights activism dates from 1984, when he joined the PUCL team that enquired into an incident of firing on textile workers at Rajnandgaon near Dalli-Rajhara, in erstwhile Madhya Pradesh. The People's Union for Civil Liberties (PUCL) is a well-known human rights organisation that has its origins in the complete suspension of all fundamental rights during the emergency period in the 1970s. The peaceful campaigns by the PUCL then helped to turn the tide for the restoration of democracy. ***Since 1997-'98, Binayak has been associated with the Chhattisgarh branch of PUCL, and he has recently been elected General Secretary for his second term. In 2002 he was elected Vice-President, National PUCL and he continues in that office. Thus, as a key-office bearer, he has organised fact-finding investigations at state level into human rights violations ranging from hunger deaths and dysentery epidemics, to the welfare and rights of under-trial prisoners, to custodial deaths and fake encounter killings, and the findings have been announced in public fora.***

According to PUCL, since 2005 the Chhattisgarh Government has a growing record of "crimes against humanity", using excessive and unwarranted police power in the name of resolving the "naxalite

problem". PUCL-Chhattisgarh and other democratic rights activists have been raising their voices and campaigning against the "*Salwa Judum*" and fake encounters in Chhattisgarh, of which there were 155 in 2005-'06. In May 2007, PUCL publicly demanded a CBI enquiry into all extra-judicial killings in the state since 2005. One instance is that of the supposed "encounter deaths" of 12 innocent adivasi youth in Santoshpur village by the Chhattisgarh Police in March 2007. After a sustained campaign by PUCL the state Government was forced to order an investigation and only recently charges have been filed against some of the involved policemen. Similarly, PUCL has demanded an official investigation into killings and other illegal acts by the so-called *Salwa Judum* movement in Dantewada district with the connivance of the State Police. (see box on *Salwa Judum* on inside back cover)

In a letter to the Chief Minister and at a meeting with him after Dr. Sen's arrest, the PUCL explained that ***as a human rights worker and an active office-bearer of PUCL, Dr. Sen was duty-bound to bring to light the human rights violations of both state and non-state actors.*** Contrary to the impression created by the police, Dr. Sen had publicly raised the issue of human rights violations *by both the state and the naxalites*, and had condemned the killings caused by the Maoist violence. His concern throughout has been for an end to such acts. He had appealed to both Government and Maoists to find a political solution through negotiations and dialogue with all those concerned, including political parties, NGOs and naxalites. He had stressed that such a process was overdue to find the way out of the tragic situation in Chhattisgarh. PUCL has also been demanding the withdrawal of the Chhattisgarh Special Public Security Act (CSPSA) which was shown to be liable to misuse by the police.

The Chhattisgarh Special Public Security Act 2005 has been shown to be unconstitutional and anti-democratic in nature. Various political parties, peoples' organisations, journalists' associations and both national and international human rights organisations have pointed out the illegal and repressive features of this Act. Among its arbitrary and dangerous features are the vague definitions of "illegal" and "unlawful" activities and of so-called "support" to organisations engaged in illegal activities. The definitions are such that even peaceful forms of democratic protest and ordinary civil disobedience can be brought under its purview and declared "unlawful activity" and any protesting group can be declared "unlawful". The Act also does not specify the need to establish definite intention; hence even activities done unknowingly or unintentionally can be punished. (For example, shopkeepers have

been arrested on the accusation that they sold cloth to persons who have been identified by the state as Maoists.) Apprehensions are that, in using its discretion, the Government could misuse the Act for settling scores with political opponents. In fact, the State Government did ban some organisations under the CSPSA even before the Advisory Board was constituted under the Act. Banning of such innocuous organisations as the Adivasi Balak Sangh raised doubts that even children below the age of 18 years in the tribal-dominated areas would be arrested. Among those arrested since the enactment of the law is a girl student of 12<sup>th</sup> standard.

### **The Legal Case and the Trial**

On 14<sup>th</sup> May 2007, Dr. Sen had just returned to Bilaspur from a visit to his ailing mother in Kolkata. He was in the office of Advocate Sudha Bharadwaj when they received a message from the Bilaspur City SP asking him to go to the police station to record a statement. Dr. Sen asked if he could do it the following day, after returning from his weekly clinic in Bagrumnala. As this request was turned down, he and his advocate went to the TarBihar police station. The two were made to wait there for a long time. Then he was abruptly told that the Raipur SP was arriving to place him under arrest. A medical check-up was done, after which he was given the option of getting hospitalised or going to jail, and he chose the jail.

Dr. Sen was arrested under Sections 10(a)(1), 20, 21, 38 and 39 of the UAPA, and Sections 2(b)(d) and 8(1)(2)(5) of the CSPSA, comprising the following charges:

- Being a member of an unlawful association
- Being a member of a terrorist gang or organisation
- Holding the proceeds of a terrorist act
- Giving support to a terrorist organisation, and
- Aiding an unlawful organisation.

He has also been charged with sedition, conspiracy to wage war against the state, and conspiracy to commit other offences. However, no evidence has been given in support of any of the charges. More than a month after his arrest, despite having no evidence, the police added charges under sections 120(B), 121(A) and 124(A) of the IPC.

Arguments on the framing of charges against Binayak Sen and others took place only on December 28 2007. The application of defense for discharge on grounds of lack of evidence was rejected, and all the charges of the prosecution have been retained. According to the prosecution Dr Binayak acted as a courier for the naxalites; however it could not produce any evidence to support

this accusation.

The evidence that the police claim to have is the record of various visits made by Dr. Sen to Mr. Narayan Sanyal, a 70-year old undertrial in Raipur Central Jail and a senior leader of the Communist Party of India (Maoist).. Mr. Sanyal sought to bring to the notice of the jail authorities, as well as the national and state human rights commissions and several human rights groups, his health condition and his desire to get legal aid as his right under the laws. *In his capacity as a PUCL member, Dr. Sen met Mr. Sanyal in jail to provide him with both medical and legal assistance. As a civil liberties activist it was his legitimate task to meet detainees and ensure that their fundamental rights are respected and that the due process of law is being observed. These visits by Dr. Sen were in the due process of law and in the presence of the jail authorities, as provided for in the Jail Manual. He was searched at the point of entry both before and after the visits.*

The police have confiscated what they claim to be "incriminating documents" from Dr. Sen's residence. The CPU of their computer was seized and sent for forensic examination to Hyderabad. Aside from newspaper clippings, the confiscated materials include five CDs containing interviews pertaining to PUCL investigations on fake encounters, which have been distributed by the PUCL in the last two years. There is a post-card from Narayan Sanyal dated 3<sup>rd</sup> June 2006 regarding his health as well as his legal case, duly signed by jail authorities and carrying their seal. There is another letter from a prisoner, a member of the Communist Party of India-Maoist, about the inhuman conditions and illegal activities in Raipur Central Jail, which was subsequently sent to newspapers and electronic media by the PUCL and prominently published in some newspapers. Additionally, there is a copy of an article subsequently published in the *Economic and Political Weekly*, a CPI (Maoist) document on recent police activities and labourers, a book by the Committee of Tribals affected by the *Salwa Judum* and an article on 'Globalisation and the Service Sector in India'.

The court proceedings to hear Dr. Sen's bail application have seen delay after delay. In the High court the bail application travelled from one bench to another, as the concerned judges said that they were members of an advisory committee constituted under the CSPSA to review the banning of specific organisations. For several hearings in the District Sessions court at Raipur where Dr Sen is to be tried, he was not produced in court on the pretext of security concerns. While rejecting his bail plea on July 23<sup>rd</sup>, the High Court relied solely on the allegations of the prosecution, all of which

associate Binayak with unlawful organisations and individuals only by implication, and failed to give adequate consideration to the defense arguments. On July 31<sup>st</sup>, at the first Supreme Court hearing on the special leave petition to consider bail, the two-judge bench ordered a notice to be sent to the Chhattisgarh Government in this matter. The response to this notice was obtained only in December, after four-and-a-half months. Following that on December 10<sup>th</sup> the Supreme Court dismissed the special leave petition for consideration of bail in a one line order, without naming any reasons.

■ At the bail hearings in the High Court Dr. Sen's counsel pointed out that Mr. Sanyal, whose messages Dr. Sen is alleged to have carried out of the jail, was charged under the CSPSA and UAPA only after having been in police custody for 15 months, on 19<sup>th</sup> June 2007. That, too, only after Dr. Sen's bail application had been filed in the High Court. Until the 18<sup>th</sup> of June Mr. Sanyal had not been declared a member of an organisation banned under the CSPSA.

■ Raipur Central Jail, where Dr. Sen is incarcerated, is hardly a kilometer from the District Sessions Court. Yet, on several occasions the jail authorities have refused to produce him in court on the pretext of insufficient "security". In lieu of personal appearances they arranged for video-conferencing. Thereby, Dr. Sen was denied his right to be present and heard at the trial court. Instead he was kept in an intimidating situation in a prison room under heavy guard and without the presence of his lawyers, family and friends. He was shown only the face of the judge and could not even see his lawyer. At least on this matter, however, the Court has now clarified that it has passed no such orders, and that at the times of framing of charges, examination of evidence and cross examination of witnesses, it would ensure that the accused is physically present and personally heard.

■ At the hearing of the court on 28<sup>th</sup> December 2007, he was brought to court to hear the framing of charges. However his application for parole to receive the Keithan gold medal awarded to him in December 2007 by the Indian Academy of Social Sciences was also rejected on technical grounds.

■ At the time of the arrest in May, the police seized the CPU of Dr. Sen's computer from his house and sent it for analysis to CFSL, Hyderabad. The Prosecution failed to hand over a DVD of the CPU as evidence in the trial court, or to the defense, on the grounds that it was an "article" (property) and not a "document". The counsels of Dr. Binayak argued that computer evidence is treated as document and the accused was entitled to a copy of it.

Thereupon the Additional District Judge ordered the prosecution to hand over the DVD, and subsequently it was submitted to the court. Only in early December was it given to Dr. Sen's family. In addition, the prosecution engaged in such a way that the independent witness ordered by the court to be present during the examination of the CPU at Hyderabad was prevented from being there. The circumstances whereby the examination was manipulated in order to exclude the witness have been intimated to the court. After all this, the government has failed to find any 'incriminating' material in the CPU.

■ In Raipur Central Jail, Dr. Sen is kept in a barrack along with some other prisoners. He suffers from several serious ailments (hypertension, gout, and angina) and in over eight months of detention he has lost 7 kilograms. His application for urgent attention to his medical condition was noted by the court on 28<sup>th</sup> December, asking for his health records to be sent from the jail. In the Sessions court hearing on January 17<sup>th</sup> the jail authorities filed an unsubstantiated medical report with a long list of dates on which Binayak was medically examined, claiming that he was of ideal weight for his height and age.

■ The central jail authorities have classified Dr. Sen as a "hardcore naxalite criminal" even before the police investigations were over and the charge sheet filed, leave alone a trial having taken place. Letters from the Jail Superintendent to the district Police authorities for security to escort him to court for extension of remand refer to him to in these terms. Family members visiting Dr. Sen are made to sign in a special register pertaining to naxalite prisoners.

■ Even prior to Dr. Sen's arrest on May 15<sup>th</sup>, a vicious media campaign was mounted against him. Later that month a similar campaign was launched against his wife Prof. Illina Sen alleging that her relationships are suspicious and stating that her activities would be investigated. A Police Special Investigating Team visited Illina's mother's home in Kolkata, enquiring about her antecedents and why the couple had chosen to work in Chhattisgarh. Such police intrusion violates the fundamental liberties of Indian citizens guaranteed by our Constitution to live and work in any part of India as well as to hold dissenting political positions.

### **The Build-up to the Arrest**

*PUCL-Chhattisgarh had apprehensions about repressive action against human rights activists raising such civil liberties issues, as the state police officials and Ministers had threatened to use CSPSA against the PUCL activists. Since early May in*

**press briefings the police had specifically named several people, including Dr. Sen.** Democratic rights organisations at national level, such as PUCL and PUDR (People's Union for Democratic Rights), had been expressing concern over harassment and threats by the Superintendent of Police, Raipur, to activists of PUCL and other social activists in the state. In a combined press statement they said,

*"The PUCL-CG and other democratic rights activists have been raising their voices and campaigning against these illegal and inhuman practices of the State Government. For this service to democracy the familiar allegation of being 'Maoist' is made against them."*

### **So what is Dr. Binayak Sen's "Crime"?**

Thus, it seems that Dr. Sen's "crime" – or contribution – consists of the selfless, fearless and uncompromising pursuit of truth and dedication to his work. This he was carrying out not just through clinical practice but also by pursuing an alternative public health approach, by working as a civil liberties activist to uphold the constitutional commitments of the Government towards its citizens, and by speaking up for justice and dignity of the marginalised and the impoverished. Binayak is what the renowned 19<sup>th</sup> century physician, pathologist and public health pioneer Rudolf Virchow would have described as a "natural advocate for the poor". His activities through CMSS and CMM, through RUPANTAR, PUCL, JSS, etc., indicate his commitment to constructive, and open, democratic forms of political action and engagement.

The R.R. Keithan Gold Medal, awarded to Dr. Sen *in absentia* at Mumbai on 29<sup>th</sup> December 2007 highlights this in its citation:

*"The Academy recognises the resonance between the work of Dr. Binayak Sen in all its aspects with the values promoted by the Father of the Nation."*

To those who are able to visit Binayak in jail, he makes the mission clear:

***"We must not personalise the issue of my arrest, but focus on the wider issues for which I was arrested."***

These issues are: the worsening of human development indices for the majority, the deepening social and economic disparities, the erosion of nutritional security and sovereignty, and the impact on public health of corporate-led industrialisation and increasing militarisation.

***The arrest of Binayak Sen needs to be viewed in the background of the kind of development that has been going on in India for over a decade now.*** The pursuit of neo-liberal

policies has, among other things, led to large-scale land acquisition for mining, industrial growth and special economic zones, and to promotion of corporate capital. These have in turn led to disruption of livelihoods, displacement of large sections of the population and loss of forest cover, especially in the tribal regions of central India. The tribal districts of Chhattisgarh, Jharkhand, Orissa, Karnataka and Maharashtra are the destination of some US \$ 85 bn of promised investments, mostly in steel and iron plants, and mining projects. In Chhattisgarh itself 9,620 acres of land is already under process of acquisition. There are plans by many big companies for new or expanded steel and aluminium plants in the state. For instance: Essar Steel is acquiring 900 ha, and the Tatas 4500 acres for their steel plants in Dantewara. ***Any questioning of these policies, and resistance by local people to the land-acquisition is being labeled by the government as being 'anti-national', or 'anti-development' or as being a 'naxalite'. Many of these protests are being put down by the state by use of force.***

Binayak Sen, through his activities as public health worker was not only raising questions about such 'development'. As a civil liberties activist within Chhattisgarh he was also highlighting and leading the campaign against the violence against its own citizens by the state in the form of hunger deaths, custodial deaths, fake encounters, destruction of democratic institutions like gram sabhas, etc, and against the repressive measures adopted by the state in these 'development processes', and in putting down dissent to its policies. These are the "crimes" for which the government has therefore chosen to malign him through media, and arrested him in an attempt to silence his voice, as also that of all others questioning and resisting the official policies.

***As pointed out by the PUCL, the choice to not to use well-established ordinary laws of the land, like the Indian Penal Code and Criminal Procedure Code, and instead to detain Dr. Binayak Sen under the repressive CSPSA and UAPA laws demonstrates an inherent bias and political motivation.***

We also see that after his arrest he is also being denied several basic rights due to him as an under trial prisoner (as is happening to other prisoners), and there is substantial delay in the legal proceedings.

***The treatment and arrest of Binayak is an indictment of all human endeavours to heal, and to work for a just, egalitarian, peaceful society, for a better nation. Imposition of charges such as sedition against such human rights activists is also a grave threat to freedom and democracy.***

## What concerns emerge from this account for doctors and public health professionals?

# The arrest of Dr. Binayak Sen is a test case for the present Government at both state and national level. On the one hand, the Government has initiated such constructive programmes as the National Rural Health Mission through which it aims to provide equitable, accessible and quality health services and achieve some of the Millennium Development Goals. On the other hand, committed public health workers and activists such as Binayak are harassed and victimised. This raises questions about the Government's seriousness about improving the status of health and healthcare services for the rural poor. It laments the lack of committed doctors and other health professionals willing to work in rural areas and for the poor, but by persecuting those who are working in such situations what message does the Government send out to young health professionals?

# Today clinicians are increasingly faced with the direct effects of a dehumanising and marginalising neo-liberal market. The present paradigm of development rests upon and engenders a pattern of 'structural' violence against the poor and marginalised. All over the world over such forces are increasing inequalities. Chattisgarh, in terms of natural resources one of the richest states in India, is among the states with the worst health indices. Dedicated and rare physicians like Binayak Sen recognise and question such policies and strive to push for a difference in the scenario.

# Any professional who takes up public health work today has to understand and grasp the impact of the neo-liberal economic policies and the importance of human rights and constitutional entitlements for the health and wellbeing of the poor. Will she or he take up this challenge and tackle the social determinants of health? Or, take the softer path of serving merely as a clinician in the already over-served urban areas?

What emerges is that all physicians who look at the social aspects of health must reach beyond the sphere of clinical medicine, and maybe harassed by the state for doing so.

As a concerned and responsible citizen and a public health professional, we hope that you will join us in standing up for Dr. Binayak Sen and all that he represents in contemporary India, a land of increasing inequalities and disparities in every sphere including in health and healthcare.

## **What can we do? How can we participate and support?**

Social activists and health professionals from across the country, including many graduates from Dr. Sen's alma mater CMC Vellore, have condemned his arrest. More than 2000 persons from India and across the globe have endorsed a petition highlighting the importance of his work and asking for his release. This has been submitted to the Chief Minister and other concerned authorities. (See these websites: [www.freebinayaksen.org](http://www.freebinayaksen.org), [www.pucl.org](http://www.pucl.org), [www.pudr.org](http://www.pudr.org)).

Public meetings have been held in various parts of the country to discuss these issues. On 31<sup>st</sup> May 2007, the first public meeting was attended by about 700 people at Raipur, including groups and individuals from different organisations and institutions, such as CMC Vellore, PUCL units from several states, local organisations including CMM, several women's organisations, Narmada Bachao Andolan and university students and teachers. Parallel rallies and public meetings were held in Bangalore, Chennai, Delhi, Mumbai, Pune, Lucknow and Jaipur. After the rally a delegation comprising doctors and PUCL members met the Chief Secretary, Chhattisgarh, to discuss and apprise him of Dr.Binayak Sen's work and the issues he was raising. The Medico Friend Circle has also organised four press conferences in Chhattisgarh in the past six months, at Raipur and Bilaspur.

### **What more can we do?**

- Get well acquainted with the issues involved, including the case against Binayak, his decades-long constructive work in Chhattisgarh, his findings as a civil liberties activist and the gravity of arresting such committed doctors.
- Create forums for wide involvement of health professionals, not only in the issue of his release from detention, but also in the issues that he was raising and working on.
- Discuss how the crisis in Chhattisgarh is affecting the health of the people there, and the role of a medical doctor in situations of civil strife with encounter killings, torture and custodial deaths, and the broad violation of civil rights of citizens.
- Work to focus and sustain public attention among the media and Government on these issues. Write articles for newspapers and magazines in local and national languages.
- Write to professional bodies and medical journals about Dr. Sen's arrest, highlighting issues of human rights violations as an issue, which needs to be supported by the medical community.
- Organise local meetings to sensitise public, medical professionals and media.
- Support and sustain Dr. Sen's clinic at Bagrumanala in Dhamtari Block by devoting time to help run the clinic or with monetary support

for medicines etc.

• **Raise financial support for a long drawn-out legal struggle. If you want to chip in draw a cheque in the name of 'Binayak Sen Support Fund, SBI A/c. No.30181020786'.**

You may drop this cheque in any of the Core Bank Branches of SBI in your town or send it to the registered office of Medico Friend Circle in Pune.

• Continue getting new people to add their names to the ongoing online petition. You can find it on: <http://home.cmcvellore.ac.in/petition/petitionpage1.html> .

• Make frequent, planned, co-ordinated visits individually or in groups to Raipur, particularly coinciding with the court proceedings, to express solidarity, support and concern.

• Network with other organisations that are striving towards securing Dr. Sen's release.

• Send a solidarity message to Dr. Sen on a reply-paid postcard in English or Hindi at this address: Dr. Binayak Sen, Raipur Central Jail, Raipur 492001 Chhattisgarh.

(Please note that letters will be read by the jail authorities.)

**For further information you may contact MFC through one of the members who have contributed to this pamphlet-**

- Indira Chakravarthi, New Delhi, [indirachakravarthi@yahoo.com](mailto:indirachakravarthi@yahoo.com)

- Rakhal Gaitonde, Chennai 9940246089, [subharakhal@gmail.com](mailto:subharakhal@gmail.com)

- Abhay Shukla, Pune 020-25465936, [abhayseema@vsnl.com](mailto:abhayseema@vsnl.com)

- or the registered office of MFC - C/o. Manisha Gupte,

[manishagupte@gmail.com](mailto:manishagupte@gmail.com)

- or Prabir Chatterjee - 094 333 10060. [prabirkc@yahoo.com](mailto:prabirkc@yahoo.com)

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## Targetting Human Rights Activists

In a public statement immediately preceding his arrest on 14th May, Dr. Binayak Sen declared -

"For the past several years we are seeing all over India, and as part of that in the State of Chhattisgarh as well, a concerted programme to expropriate from the poorest people in the Indian nation, their access to essentials, common property resources and to natural resources including land and water... The campaign called the Salwa Judoom in Chhattisgarh is a part of this process in which hundreds of villages have been denuded of the people living in them, and hundreds of people - men and women - have been killed. Government-armed vigilantes have been deployed and the people who have been protesting against such moves and trying to bring before the world the reality of these campaigns. Human rights workers like myself have also been targeted through state action against them. At the present moment the workers of the Chhattisgarh PUCL (People's Union for Civil Liberties) the Chhattisgarh branch of which I am General Secretary have particularly become the target of such state action. I and several of my colleagues are being targeted by the Chhattisgarh state in the form of punitive action and illegal imprisonment. These measures are being taken especially under the aegis of the Chhattisgarh State Public Security Act (CSPSA)."

## Where is the incriminating evidence?

During the framing of charges in the Sessions Court at Raipur, the prosecution lawyer himself admitted that he has no evidence of Dr. Binayak Sen being a naxalite. He however claimed that Dr. Sen is their sympathiser who acted as courier to pass information amongst the naxalites, the prosecution could not provide any credible evidence to support even this charge. Letters produced by the police supposedly written by Sanyal also contain no evidence of collaborating with the naxalites. The prosecution claims that these contain code language, but then where is the decoded version? Despite spending Rs.80,000 to get printouts of matter in the hard disk of Dr. Sen's computer, the Government of Chhattisgarh has not come up with any incriminating material.

## **The Fake Encounter Killings at Santoshpur, March 2007**

*Upon orders from the State Human Rights Commission, the bodies of the victims were exhumed from a mass grave in the week immediately preceding Dr. Sen's arrest. The Director General of Police in Chhattisgarh also ordered a police probe into the incident on 5 May 2007. According to a police official monitoring the investigation, autopsy reports confirmed that three of the victims were hit by bullets at close range on the head and waist while others were axed to death. This account was corroborated by a videotaped interview with the Santoshpur sarpanch.*

### **Appeal by Iiina Sen**

*As many of you may know, on December 10, 2007 the Supreme Court of India rejected the special leave petition of Binayak Sen to consider grant of bail. Ironically it was International Human Rights Day, dedicated this year to defenders of Human Rights. This rejection has been a great disappointment. It comes at a point when the trial is about to begin in Raipur, and we need to garner our forces for the case to ensure that Binayak has the best legal defense. It also means that all of us have to work much harder in making known the context and significance of Binayak's quarter century of constructive and non-violent work. He was simply struggling to make a difference in an unjust social system. I would like to appeal to all friends and believers in the values of equity and democracy to rally round in solidarity and support at this time of crisis. Apart from physical and material resources, we also need volunteers to help with the day to day nitty-gritty of the case. We need all your support and solidarity in every way. I am sure that together we will emerge victorious in the end.*

## *Excerpts from an Appeal by Binayak Sen's mother*

By Anasuya Sen

I am a woman in my eighties. When we were young, people were inspired by the examples of karmayogis who were patriotic, motivated by ideals of service, wise and virtuous. We considered ourselves blessed if we could follow in their footsteps. I have so far been a silent spectator to the injustice and violence that pervades our free democracy today -----.now, as an aged mother and outraged by the blows of injustice, I wish to break my silence. Inconsolable in my pain at the age of eighty-one years, I now wish to make a humble appeal to the people of free, democratic India. ----- In the course of his medical work among the poor and the oppressed, which was already occupying all his time, he became aware of the abuses of the state towards the poor adivasis of Bastar district, and protested against the state sponsored Salwa Judum movement that pitted adivasis against one other. The state did not take kindly towards his protestations on their behalf. ----- The patriot who had devoted his entire professional life to the untiring service of the poor, a record acknowledged by the Paul Harrison Award bestowed on him by his alma mater, that very person was now in jail charged with being a terrorist waging war against the state.----- Here, without casting any doubts or aspersions on anyone's integrity, I humbly wish to pose my question to all the people and revered leaders of free, democratic India: SHOULD I REGARD AS JUSTICE the refusal of bail to one who even as a child was moved by injustice, who having devoted his entire working life selflessly to providing food and health to the poor, who without coveting wealth survived for days on dal, rice and green chillies, who is accustomed to living like the poor, who dedicated his life to serving the people of his country, and who is now arraigned for breach of public security and waging war against the state? ----- My simple question to all compassionate readers of this appeal is: How much longer to that day when Dr. Binayak Sen will receive justice?----- I ask this question not just for myself and for my son, but also on behalf of all mothers suffering from the injustice meted out to their children. Is justice so elusive in our free, democratic country?

## SALWA JUDUM

Since June 2005 the Chhattisgarh government, with support from the Home Ministry, has been carrying on a counter-insurgency operation, called *Salwa Judum*, against the naxalites in Dantewada district. According to the government it was a spontaneous, peaceful campaign by the local people against the Maoists. The district administration claims that it is sheltering the people in relief camps, as they are deserting their villages in the forests because of Maoist violence. However, reports by several fact-finding teams have established that far from being a peaceful campaign, there was eviction of villagers and their re-location to camps, by members of salwa judum accompanied by security personnel, and this was achieved by threat, coercion, violence, killings, looting and burning of villages, and sexual violence against women. It has been also established that the salwa judum is being actively supported by the state government, which gives military and weapons training to salwa judum members, as part of an official plan to create a *civil vigilante* structure to fight the naxalites. At least a lakh people have been displaced thus, and lives of many more completely disrupted. A preliminary visit to Dantewada by some members of MFC in June 2007 showed that life in the salwa judum relief camps is miserable, and pervaded by severe restrictions on movement, food and livelihood insecurity, and constant threat of violence and terror due to continuous presence of armed salwa judum members and security men. An equally serious fact is that people who have not come to the camps, and continue living in villages are all deemed 'Maoists' and are not being provided ration and health facilities at all for more than two years. A large number of people are thus being denied their basic rights. For the detailed reports see: [www.pudr.org](http://www.pudr.org), <http://cpjc.wordpress.com>; [www.phm-india.org](http://www.phm-india.org).

## Medico Friend Circle

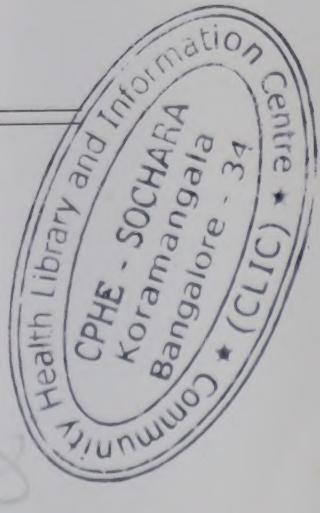
The **Medico Friend Circle** (mfc) is a nation-wide platform of secular, pluralist, and pro-people, pro-poor health practitioners, scientists and social activists interested in the health problems of the people of India. It is a loosely knit group of friends from various backgrounds, medical and non-medical, often differing in their ways of thinking and in their modes of action. But the understanding that our present health service as well as the system of medical education is lopsided and is in the interest of a privileged few prevails as a common conviction. Since its inception in 1974, mfc has critically analyzed the existing health care system and has tried to evolve appropriate approaches towards health and health care which is humane and which can meet the needs of the vast majority of the people in our country.

The **mfc bulletin** (first published in 1975) has been the main medium through which we communicate experiences, ideas and information and stay in touch with each other. It carries articles which usually represent varying points of view of our membership within the broad mfc perspective.

**MFC Annual Meets** usually focus upon a particular theme or issue ranging from the role of doctors in society, to under-nutrition, to community health workers, to bias against women in medical care, to right to health care, quality of health care, public health education.

For more information see <http://www.mfcindia.org>

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# **Medico Friend Circle's Appeal - Join hands in the campaign for release of Dr. Binayak Sen - paediatrician, public health and human rights activist, prisoner of conscience**

Medico Friend Circle (MFC) is a nationwide network of health professionals and health activists working since 1974 towards pro-people appropriate approaches towards health and healthcare



Contributory price Rs. 10/-  
(Proceeds will go to Binayak Sen support fund)

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